

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**VIVIAN A. OUTLEY,**

**Plaintiff,**

**v.**

**5:09-CV-141  
(FJS/VEB)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

**LEGAL SERVICES OF  
CENTRAL NEW YORK**

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**SOCIAL SECURITY ADMINISTRATION  
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Attorneys for Defendant

**SCULLIN, Senior Judge**

**ORDER**

Plaintiff commenced this action on February 5, 2009, seeking judicial review of the Commissioner's decision pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3). *See* Dkt. No. 1. In a Report and Recommendation dated August 26, 2010, Magistrate Judge Bianchini recommended that the Court remand this action to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *See* Dkt. No. 18 at 24. Neither party filed any objections to this Report and Recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Bianchini's August 26, 2010 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

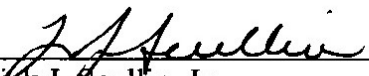
**ORDERS** that Magistrate Judge Bianchini's August 26, 2010 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that the Commissioner's decision denying disability benefits is **REVERSED** and this case is **REMANDED** for further proceedings in accordance with the terms set forth in Magistrate Judge Bianchini's August 26, 2010 Report and Recommendation pursuant to sentence four of 42 U.S.C. § 405(g); and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment and close this case.

**IT IS SO ORDERED.**

Dated: September 11, 2010  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge